

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WATERKEEPER ALLIANCE, INC.; WATERKEEPERS :
CHESAPEAKE, INC.; and CALIFORNIA :
COASTKEEPER d/b/a CALIFORNIA COASTKEEPER :
ALLIANCE, :
: Plaintiffs, :
: : 19 Civ. 899 (LJL)
v. :
: :
UNITED STATES ENVIRONMENTAL PROTECTION :
AGENCY; and ANDREW WHEELER, in his official :
capacity as Administrator of the United States :
Environmental Protection Agency, :
: Defendants.
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[PROPOSED] ORDER DISMISSING THE COMPLAINT

WHEREAS, plaintiffs and defendants have advised the Court that, on [DATE], they executed a settlement agreement (the “Agreement”), attached hereto as Exhibit A, resolving their disputes in this action.

IT IS HEREBY ORDERED that:

1. Subject to paragraphs 2 and 3 of this Order, this Complaint is dismissed in its entirety with prejudice;
2. Notwithstanding paragraph 1 of this Order, in the event that defendants fail to comply with paragraphs 2, 3, 4 or 5 of the Agreement, plaintiffs shall have the right to reopen this action pursuant to paragraph 8 of the Agreement
3. The Court shall have jurisdiction to reopen this action in accordance with paragraph 2 of this Order.

4. Notwithstanding the dismissal of this action, the Court retains jurisdiction following the dismissal to resolve any claims by plaintiffs against defendants for reasonable attorney fees and costs pursuant to 42 U.S.C. § 300j-8(d), provided that an application for fees and costs is filed within 120 days of the date on which this Court enters this Order.

SO ORDERED:



HON. LEWIS J. LIMAN
United States District Judge

Dated: June 15, 2020